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DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 570 and 579

RIN: 1235-AA06

Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties

AGENCY: Wage and Hour Division.

ACTION: Notice and Extension of comment period.

SUMMARY: This document extends the period for filing written comments for an additional 30 days on the proposed revisions to the child labor regulations published on September 2, 2011. The Department of Labor (Department or DOL) is taking this action in order to provide interested parties additional time to submit comments.

DATES: The agency must receive comments on or before December 1, 2011. The period for public comments, which was to close on November 1, 2011, will be extended to December 1, 2011.

ADDRESSES: You may submit comments, identified by RIN 1235-AA06, by either one of the following methods:

Electronic comments: through the Federal eRulemaking Portal:
<http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name (Wage and Hour Division) and Regulatory Information Number identified above for this rulemaking (1235-AA06). All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Consequently, prior to including any individual's personal information such as Social Security Number, home address, telephone number, e-mail addresses and medical data in a comment, the Department urges commenters carefully to consider that their submissions are a matter of public record and will be publicly accessible on the Internet. It is the commenter's responsibility to safeguard his or her information. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> or to submit them by mail early. For additional information on submitting comments and the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Arthur M. Kerschner, Jr., Division of Enforcement Policy and Procedures, Branch of Child Labor and Special Employment, Wage and Hour Division, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-0072 (this is not a toll free number). Copies of this notice of proposed rulemaking may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0023. TTY/TDD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

Questions of interpretation and/or enforcement of regulations issued by this agency or referenced in this notice may be directed to the nearest Wage and Hour Division District Office. Locate the nearest office by calling the Wage and Hour Division's toll-free help line at (866) 4US-WAGE ((866) 487-9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the Wage and Hour Division's Web site for a nationwide listing of Wage and Hour District and Area Offices at:

<http://www.dol.gov/whd/america2.htm>.

SUPPLEMENTARY INFORMATION:

I. Electronic Access and Filing Comments

Public Participation: This notice of proposed rulemaking is available through the Federal Register and the <http://www.regulations.gov> Web site. You may also access this document via the Department's Web site at <http://www.dol.gov/federalregister>. To comment electronically on federal rulemakings, go to the Federal eRulemaking Portal at

<http://www.regulations.gov>, which will allow you to find, review, and submit comments on federal documents that are open for comment and published in the Federal Register. Please identify all comments submitted in electronic form by the RIN docket number (1235-AA06). Because of delays in receiving mail in the Washington, DC area, commenters should transmit their comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov>, or submit them by mail early to ensure timely receipt prior to the close of the comment period. Submit one copy of your comments by only one method.

II. Request for Comment

The Department is proposing to revise the child labor regulations issued pursuant to the Fair Labor Standards Act, which set forth the criteria for the permissible employment of minors under 18 years of age in agricultural and nonagricultural occupations. The proposal would implement specific recommendations made by the National Institute for Occupational Safety and Health, increase parity between the agricultural and nonagricultural child labor provisions, and also address other areas that can be improved, which were identified by the Department's own enforcement actions. The proposed agricultural revisions would impact only hired farm workers and in no way compromise the statutory child labor parental exemption involving children working on farms owned or operated by their parents.

In addition, the Department proposes to revise the exemptions which permit the employment of 14- and 15-year-olds to perform certain agricultural tasks that would otherwise be prohibited to that age group after they have successfully completed certain specified training.

The Department is also proposing to revise subpart G of the child labor regulations to incorporate all the regulatory changes to the agricultural child labor provisions made since that subpart was last revised. Finally, the Department is proposing to revise its civil money penalty regulations to incorporate into the regulations the processes the Department follows when determining both whether to assess a child labor civil money penalty and the amount of that penalty.

In the **Federal Register** of September 2, 2011 (76 FR 54836), the Department of Labor published a proposed notice of rulemaking requesting public comments on proposed revisions to the child labor regulations issued pursuant to the Fair Labor Standards Act, which set forth the criteria for the permissible employment of minors under 18 years of age in agricultural and nonagricultural occupations. Interested parties were requested to submit comments on or before November 1, 2011.

The Department has received requests to extend the period for filing public comments from members of Congress and various agricultural business organizations, including, but not limited to: American Sheep Industry Association; National Cattlemen's Beef Association; National Pork Producers Council; National Turkey Federation; California Farm Bureau Federation; National Association of State Departments of Agriculture; National Association of Agricultural Employers; National FFA Organization; and the American Farm Bureau Federation. Because of the interest that has been expressed in this matter, the Department has decided to extend the period for submitting public comment for 30 additional days.

Dated: October 26, 2011

Nancy J. Leppink

Deputy Administrator, Wage and Hour Division

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